

REMARKS

The Office, in the Official Communication of April 20, 2006, has stated that the Amendment and Request for Reconsideration filed on March 27, 2006, in the above-referenced case, is non-compliant because "The drawings are not properly identified in the top margin as "Replacement Sheet"" "New Sheet," or "Annotated Sheet" as required by 37 C.F.R. 1.121(d).

Responsive to the Official Communication, the Applicant notes that 37 C.F.R. 1.121(d) applies to drawings that are part of the specification. The drawings filed on March 27, 2006, conversely, were submitted as part of a 37 C.F.R. 1.132 declaration by the inventor. As such, these drawings are not part of the specification and 37 C.F.R. 1.121(d) does not apply to the submitted drawings.

The Applicant therefore submits that: 1) the submitted drawings are compliant as submitted; 2) that 37 C.F.R. 1.121(d) is not applicable to the submitted drawings; 3) that the Office erred in issuing the Notice of Non-Compliant Amendment; 4) that the Notice of Non-Compliant Amendment should be withdrawn and the March 17, 2006, Amendment and Request for Reconsideration be entered and considered on the merits; and 5) that this paper is fully responsive to the Notice of Non-Compliant Amendment.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Charles J. Andres Jr., Ph.D.
Attorney of Record
Registration No. 57,537

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)